

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Philip G. Reinhard	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 50027	DATE	4/14/2008
CASE TITLE	BenyeHudah Whitfield # N-74277 v. McCaffrey		

DOCKET ENTRY TEXT:

Plaintiff's motion to voluntarily dismiss his case is granted. [6] In addition, plaintiff's motion to proceed *in forma pauperis* is granted according to the instructions on this order.[5] Plaintiff's motion to withdraw his application to proceed *in forma pauperis* is denied. [6] Any other pending motions are denied as moot.

■[For further details see text below.]

Docketing to mail notices.

STATEMENT

Plaintiff was ordered to show cause why his case should not be dismissed and also to submit an application to proceed *in forma pauperis*. He has submitted his application to proceed *in forma pauperis* but asks this court to voluntarily dismiss his case.

Plaintiff, a prisoner confined at Pontiac Correctional Center, seeks to bring this suit *in forma pauperis*. Finding that he is unable to prepay the filing fee, the court grants the motion. According to the statement submitted with his *in forma pauperis* application, has neither available funds nor means to pay the initial partial filing fee otherwise required by 28 U.S.C. § 1915(b)(1). As 28 U.S.C. § 1915(b)(4) requires that a prisoner not be prohibited from bringing suit because of inability to pay, the initial partial filing fee is waived. Nevertheless, although the initial partial fee is waived, Plaintiff must still pay the filing fee. The trust fund officer at plaintiff's current place of incarceration is ordered to collect monthly payments from plaintiff's trust fund account in the amount of 20% of the preceding month's income credited to the account. Monthly payments collected from plaintiff's trust fund account shall be forwarded to the clerk of court each time the account balance exceeds \$10 until the full \$350 filing fee is paid. Separate deductions and payments shall be made with respect to each action or appeal filed by plaintiff. All payments shall be sent to the Clerk, United States District Court, 219 S. Dearborn St., Chicago, IL 60604, 20th floor, and shall clearly identify plaintiff's name and the case number assigned to this action.

Pursuant to plaintiff's request, this case is dismissed in its entirety.

Courtroom Deputy Initials:	ste
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